

## REMARKS

Claims 21 - 39 are currently pending in this application. Claims 21 – 26, and 32 – 33 have been amended to clarify that the method of manufacturing the lens assembly includes the steps of injecting plastic resins in a first mold and in a second mold contained within the first mold to create a second lens within the first lens. This amendment clearly places the application in condition for allowance and entry is requested for that purpose. Also, it appears that the Examiner has failed to appreciate the limitations in independent claim 27 and reconsideration of the rejection of claims 27 – 33 is respectfully requested.

New claims 34 – 39 have been added to set forth the limitations that have been indicated as allowable in the Advisory Action mailed out on 12/22/2005.

### **Response to Rejection under 35 USC 103**

Claims 21 – 33 were rejected under 35 U.S.C. 103(a) as unpatentable over Rudd et al in view of Bakalar and in view of Dillon.

Claim 21 as amended is directed to a method of manufacturing of eyewear having the limitations of injecting heated plastic resins in an outer mold to create a first lens blank with a first focal power; ***injecting heated plastic resins in an inner mold within the outer mold to create a second lens blank with a second focal power within the first lens blank***; and dyeing the outer lens blank and the inner lens blank with pigmentation to limit light transmittance between ten and forty percent. (emphasis added)

Rudd et al. is directed to a method and apparatus for forming a laminated bifocal lens. The laminated bifocal lens includes a rear prescriptive lens onto which a second lens having a bifocal segment is laminated. The second lens is formed from a female mold 30 having a segment insert 34 received within a bifocal segment cavity 32 defined outside the outer lens mold surface 54. The bifocal segment is formed on the exterior surface of the outer lens not within the outer lens. This is not a lens within a lens process. ***Even if mold 32 is considered to be within the outer mold 50 (Applicant disagrees with this analysis, as mold 32 is clearly shown outside of the mold 50), the lens blank formed by mold 32 is outside the lens blank***

***formed by mold 50.*** Additionally, claim 21 also requires the limitation of dyeing the first lens blank and the second lens blank with pigmentation to limit the light transmittance between ten and forty percent. This limitation is not disclosed by Rudd et al.

Bakalar discloses a process for simultaneous molding of polycarbonate lens blanks. Bakalar does not disclose a process for molding an inner lens within an outer lens. Dillion does not disclose this process either.

None of these references disclose the limitations of the instant claim. These references do not disclose two separate molds, one within the other. Instead, Rudd et al discloses a mold having a first mold surface 54 and a second mold cavity 32 defined outside the mold surface 54. Bakalar does not even disclose two separate mold surfaces. Thus claims 21 – 26, 32, and 33 are allowable for this reason alone.

Independent claim 27 is directed to a method for manufacturing a lens assembly that uses the steps of providing a corrective eyewear lens, providing light transmittance blocking the corrective eyewear lens and ***coating the corrective eyewear lens with a hard metallic coating to disuse the focal powers of the corrective eyewear lens.***

The Office Action acknowledged that neither Rudd et al or Bakalar disclose dye pigmentation and hard metallic coatings on eyewear. Dillon was cited as showing these features. The Office Action stated that it would have been obvious to modify the method of Rudd et al as taught by Dillon to provide “tinting” and metallic coating on the eyewear of Rudd et al to arrive at the claimed invention. Further, the Office Action stated that “Hence, coating in a sufficient amount “to disguise” the focal power would certainly have been obvious for the additional aesthetic effort such would have provided.”

Dillon discloses mirror coated sunglasses that are scratch and abrasion resistant. Dillon does not disclose using mirror coating on prescriptive eyewear. Dillon is not concerned with focal powers of lenses. Thus it would not have been possible for Dillon to coat lens having differing focal powers with hard mirror coatings to disguise the focal powers of the lens. Further, neither Rudd et al or Bakalar are concerned with this problem of disguising the focal powers of the lens.

None of the prior art references disclose, teach or suggest a coating to disguise the differences in focal powers of multifocal lenses. None of the prior art references disclose, teach or suggest even the need or desirability for disguising the differences in focal powers of

multifocal lenses. It is a tenet of patent law that the references must suggest the need for a limitation in order to modify a reference to achieve that limitation. As stated by the Federal Circuit in *In re Fritch*, 23 USPQ 2d 1780, 1783-1784 (Fed. Cir. 1992), "The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification."

In the present instance, there simply is no suggestion of any kind for modifying the lens assembly of Rudd et al to disguise the differences in focal power of the lens assembly. Thus, claims 27 - 33 should be allowable over the prior art for this reason alone.

The Applicant respectfully requests that claims 21 - 33 be allowed in view of the above remarks. The Examiner is respectfully requested to telephone the undersigned if further discussions would advance the prosecution of this application.

Respectfully submitted,

Date: 3/21/06

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